

Exhibit 2 to Plaintiff's Response To Defendant's Motion for Summary Judgment

From: Bay Area Reporting [mailto:mail@bar-reporting.com]
sent: Wednesday, December 14, 2005 3:22 PM
To: Dora Johnson
Subject: STEPH.TXT

ached you will find the rough draft of Stephanie Stephens, taken 12/8/05 in the Matter of Roby v. Benton Express

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HAZEL ROBY, as Administratrix of)
the Estate of RONALD TYRONE)
ROBY, Deceased,)
Plaintiffs)
VS.) CIVIL ACTION
BENTON EXPRESS, INC., et al.,) NO. 2:05
Defendants.) CV494-B

The video deposition of STEPHANIE STEPHENS,
pursuant to notice and the within stipulation at
the law office of Thomas J. Ueberschaer, 601
North Baylen Street, Pensacola, Florida,
beginning at 9:17 a.m., on December 8, 2005.

BEFORE: Rachel S. Landreneau, CCR, LA, MS

Do you know?

A. Uh, Sunday, uh, coming -- Sunday, and his last run was coming back that Friday morning, going to Tallahassee and back.

Q. So his normal run would have been from Pensacola to Tallahassee and back?

A. Yes, uh-huh.

Q. And Garland had, for whatever personal reasons, wanted to take that, the, that, uh, Atlanta run off and ask Craig to do it?

A. Yes.

Q. And had, to the best of your knowledge, had Craig ever handled Garland's weekend run to Atlanta before?

A. Yes. Several times.

Q. And when he handled Garland's weekend run, did he have any set time to leave? For example, would he leave always on Friday, or always on Saturday?

MR. BROCKWELL: Object to the form. You keep saying weekend run. I don't think that's ever been established. I think there's a Friday night run.

MR. BOONE: Uh, let me rephrase the

question.

BY MR. BOONE CONTINUED:

Q. Um, on the run that, uh, Craig Stephens was making for Garland, did he have any set time that he made that run?

A. Oh, Friday or Saturday he could go take the load to Atlanta. It was at his discretion on which day he left.

Q. Okay. And on that run, do you know if he had any set time that he was required to be back with that load?

A. With that load, being back on a Monday. But Craig would be back on Sunday to make his Tallahassee run.

Q. Okay. You --

A. Sometimes, unless he ask Garland to, uh, for whatever reason, like going to church, he wanted to attend whatever special event we was having at church, Garland would take the Sunday run for him.

Q. Uh, if Craig didn't have a Sunday run, when did he have to return from that run that he

left on? In this event, on Friday, when did he have to return?

A. By -- before Monday morning so that load could be distributed.

Q. And from your recollection, did he -- he go and make the Atlanta run sometimes on Friday?

A. Yes.

Q. And did he sometimes leave on Saturday?

A. Yes.

Q. Had you ever, uh, been to the Benton Express facility that's in Atlanta where he was going?

A. Yes.

Q. And do you recall from either - through your experience or your conversation with your husband how long did it normally take him to make that run from Pensacola to the Benton Express terminal in Atlanta?

A. Um, six, six and a half hours, somewhere around there.

Q. And what was your occasion for, uh, getting to, uh, observe the facility, Benton Express facility at Atlanta?

could get in some kind of contact with him.

A. I guess even though he could come back anytime between Friday and Monday, uh, you were concerned because you all had a full weekend planned?

MR. BROCKWELL: Object to the form.

BY MR. BOONE CONTINUED:

Q. I --

A. Um --

Q. -- I understood that you may have been concerned because you all had a birthday planning and, and a big weekend planned?

MR. BROCKWELL: Object to the form.

A. Well, it was because, uh, he would have called me by noon that --

Q. Okay.

A. - that day.

Q. Let me rephrase the question for the, uh, record. Um, uh, what made you concerned? And I think you've answered it, but for, for --

A. Because he didn't contact me by noon.

Q. Okay. And when you became concerned, what did you say you did?

Q. Do you have any idea why anybody would suggest that he was trying to steal a Benton Express truck?

MR. BROCKWELL: Object to the form.

A. No.

Q. Were you familiar with the route your husband took from Pensacola to Atlanta?

A. Uh, yes. Now, I only know one way, sir.

Q. Yeah.

A. Yeah.

MR. BOONE: Well, I, I think that's all I have at this moment.

MR. BROCKWELL: Do you want to take a break for just a minute?

MR. BOONE: If you want to.

MR. BROCKWELL: Get up and stretch your legs.

THE WITNESS: All right.

THE VIDEOGRAPHER: Off the record at 10:08.

(At this time a break was taken.)

THE VIDEOGRAPHER: Okay. We're back on the record at 10:25.